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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,731	12/11/2003	Eric J. Argentar	0239/69564	8554

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Norman H. Zivin  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER
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WILLIAMS, ROSS A

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/733,731	ARGENTAR, ERIC J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ross A. Williams	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/15/05</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the limitation of a "mouse wheel". It is not clear as to what a mouse wheel actually consists of due to the lack of description in the claim language.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 3, 18 – 20, 32, 33, 34, 35 and 45 are rejected under 35**

**U.S.C. 102(e) as being anticipated by "VR Gun System" as described by**

**www.vrimmersions.com as evidenced by "VR Gun System Specifications"**

**http://web.archive.org/web/20030623201323/http://vrimmersions.com/VRGunspec.  
htm posted on June 23, 2003.**

**Claims 1 – 3, 18 – 20, 32, 33, 34, 35, 45:** “VR Gun System Specifications” (hereinafter “VRGunspec.htm”) discloses a gun controller that is used to play first person shooter games. System.htm discloses a gun game controller that can detect 2 degrees of freedom such as yaw and pitch, thus detecting vertical and horizontal (i.e. X and Y axis) tilt of the device (page 1). The gun controller can be used to emulate a mouse, thus providing a mouse controls unit to input computer mouse input. The Gun controller is used to provide game control inputs to play a game, thus providing a game play control unit (VRGunspec.htm page 1,2). VRGunspec.htm discloses that the controller is in the shape of a gun having a central body a handgrip extending downward from a rear section of the gun, a barrel extending longitudinally forward along the central body, and a trigger extending downward from the central body in front of the handgrip.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 4 – 7, 17, 21 – 23, 26, 36 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over “VR Gun System” as described by [www.vrimmersions.com](http://www.vrimmersions.com) as evidenced by “VR Gun System Specifications” <http://web.archive.org/web/20030623201323/http://vrimmersions.com/VRGunspec.htm> posted on June 23, 2003 in view of Woolston (US 6,902,482).**

**Claims 4 – 7, 17, 21 – 23, 26, 36 – 39:** VRGunspec.htm discloses the game controller as discussed above, however VRGunspec.htm does not specifically disclose the use of a gyroscope to determine the horizontal and vertical positions of the gun controller or the detection of the horizontal and vertical tilting of the gun barrel by means of attaching encoder disks to horizontal and vertical shafts that are attached to the barrel in order to detect the rotation of the shafts by means of optical sensors to determine the users point of view of the user in the video game. However, Woolston discloses a game controller that is in the shape of a sword wherein the player uses the sword to interact with the game. The sword contains a gyroscopic device that is used to impart torque forces to the user, thus providing tactile feedback (Woolston 6:3 – 7). Woolston further discloses that the gyroscopic device include disks that are attached to vertical and horizontal shafts that are rotated. The disks are sensed or “read” by an optical sensor to determine the position (i.e. yaw and pitch) of the flywheels to determine the position of the device that the user is interacting with (Woolston 8:8 – 22). The sense position is used to determine the longitudinal and lateral movement of a character displayed on a display screen.

It would be obvious to one of ordinary skill in the art to use a gyroscopic sensor setup like that of Woolston to provide not only tactile feedback to the user of the device but also the provide for the detection of the user's point of view or position of the device by means of rotary disks that are attached to shafts that rotate by attaching the gyroscopic device to the gun controller such as by means of the barrel. This would enable the system of VRGunspec.htm to accurately determine the positioning of the barrel.

**Claims 8, 9, 24, 25, 40 – 42 rejected under 35 U.S.C. 103(a) as being unpatentable over “VR Gun System” as described by [www.vrimmersions.com](http://www.vrimmersions.com) as evidenced by “VR Gun System Specifications” <http://web.archive.org/web/20030623201323/http://vrimmersions.com/VRGunspec.htm> posted on June 23, 2003 in view of Rothchild (US 2002/0171625).**

**Claims 8, 9, 24, 25, 40 – 42:** VRGunspec.htm as discussed above discloses a gun controller that emulates a mouse input device, wherein the gun controller possesses multiple different types of buttons on the gun body such as the central body or front magazine clip, that are used to enter input commands to computing device. However VRGunspec.htm does not specifically discloses the use of a mouse wheel. Rothchild discloses the use of a pistol grip input controller device that is used to perform the functions of an input device such as a computer mouse. As can be see the pistol-grip device has multiple trigger buttons and a mouse wheel/trackball (Rothchild Figs 1 –

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5, par 0067, 0075). Rothchild specifically discloses that the trigger buttons are used to function as left and right mouse buttons (Rothchild par 0060 – 0063).

It would be obvious to one of ordinary skill in the art to modify the gun controller of VRGunspec.htm to provide many different types of buttons on the gun controller housing to provide input functionality like that of a conventional computer mouse, such as a mouse wheel, left and right mouse buttons. VRGunspec.htm discloses the gun controller is used to emulate a conventional computer mouse input device (VRGunspec.htm page 1).

**Claims 10 – 16, 27 – 31, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over “VR Gun System” as described by [www.vrimmersions.com](http://www.vrimmersions.com) as evidenced by “VR Gun System Specifications” <http://web.archive.org/web/20030623201323/http://vrimmersions.com/VRGunspec.htm> posted on June 23, 2003 in view of “Custom VR Systems” <http://web.archive.org/web/20030213062555/http://www.vrimmersions.com/systems.htm> (hereinafter “Systems.htm”) posted on Feb 13, 2003 in further view of Burnett (6,931,775).**

**Claims 10 – 14, 16, 27, 28, 31, 43 and 44:** VRGunspec.htm discloses a gun controller that utilizes a plurality of different buttons that are used to emulated mouse input buttons as well as a plurality of other different functions. VRGunspec.htm discloses that the many different buttons may be located along various surfaces of the gun controller such as the trigger, body of the gun which runs along the barrel of the

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gun and along the gun clip section were in the user may utilize this clip portion as a handgrip (VRGunspec.htm pages 1- 3). VRGunspec.htm does not specifically disclose that the buttons are used for running crouching, jumping and special actions, the use of a directional button that is located on a hand/fore grip of the gun or a video display monitor mounted on the control gun. However Systems.htm discloses a gun controller that uses a plurality of different buttons that are used for actions such as running, crouching and jumping (Systems.htm page 3). Burnett discloses a gun that possesses an attachment that is positioned on the barrel of the gun wherein the attachment includes multiple buttons wherein at least one of the control buttons is directional button for inputting direction command inputs for controlling a remotely computerized vehicle (Burnett Figs 3 – 5, 3:18 – 66). Burnett also discloses that the attachment can also provide a video display monitor for viewing objects remotely.

It would be obvious to one of ordinary skill in the art to modify the VRGunspec.htm in view of "Systems.htm" in further view of Burnett to provide a gun controller wherein many different buttons perform various actions such as running crouching and jumping. This would provide added versatility of the game controller thus enabling the player to perform common actions to many first person shooting games without necessitating that the player remove his hands from the gun to use a separate game controller such as a keyboard. It would be further obvious to modify the gun controller of VRGunspec.htm in view of Burnett to provide a gun controller that consists of a directional button as well as a video monitor positioned on a fore grip of the gun attached to the barrel. Burnett discloses that the directional button can provide



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additional inputs to direct a remotely controlled car and the monitor may allow the user to see guide the remotely controlled vehicle or projectiles (Burnett 3:15 – 27).

VRGunspec.htm is directed to a gun controller that is used to impart an element of realism to the game player by closely modeling the gun after an actual military gun. It is well known in the art of gaming and input controllers to model input controllers after real or actual devices used in the “real world”. Thus the user’s enjoyment of the first person shooter game would be richly enhanced.

**Claim 14, 29:** VRGunspec.htm discloses the use a gun that incorporates a trigger as a shoot button.

**Claim 15, 30:** VRGunspec.htm discloses a gun with a shoulder stock that extends from the central body of the gun, which the user can use to steady the gun against his shoulder. However VRGunspec.htm does not disclose that the shoulder stock is removable. However it would be obvious to make the shoulder stock removable in order to model the gun after actual tactical weapons such as an MP5 machine gun that uses a removable stock

***Citation of Pertinent Art***

“Heckler and Koch MP5” : describes a tactical machine gun with a removable shoulder stock, [http://en.wikipedia.org/wiki/Heckler & Koch MP5](http://en.wikipedia.org/wiki/Heckler_%26_Koch_MP5).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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XUAN M. THAI  
SUPERVISORY PATENT EXAMINER

TC3708

Robert E. Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714